

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In re Estate of Sharon Elizabeth Arlington**
Docket No. **295814**
L.C. No. **06-054749-DE**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The March 6, 2009 order is not a final order appealable of right to this Court. MCR 5.801(B). In addition, the claim of appeal cannot be saved by treating it as being taken from the December 10, 2009 order because that order likewise is not a final order appealable of right to this Court. MCR 5.801(B).

Moreover, the claim of appeal cannot be saved by treating it as being taken from the January 2, 2009 order denying admission of the will at issue in this case to probate. Although the January 2, 2009 order does appear to be a final order, MCR 5.801(B)(1)(b), the claim of appeal was not timely filed from that order as it was not filed within 21 days after that order. MCR 7.204(A)(1)(a). The time for filing a claim of appeal from the January 2, 2009 order was not extended by MCR 7.204(A)(1)(b) because no motion for reconsideration or other relief from that order was filed within 21 days after entry of the order and the trial court did not extend the time for filing such a motion within that 21-day period.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 26 2010

Date

Sandra Schultz Mengel

Chief Clerk